

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NKEBA A. JACKSON, :
Plaintiff, : 20-CV-1259 (OTW)
-against- :
ORDER
CRETE CARRIER CORP., et al., :
Defendants. :
-----x

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed the parties' motions pertaining to New York State's and City's Vehicle and Traffic Laws and Requirements. (ECF Nos. 75, 78, and 79).

To the extent that Plaintiff requests a finding of liability based on New York State's Vehicle and Traffic Law, such motion is **DENIED**. Plaintiff has not shown that any alleged violation of such laws and requirements would establish strict liability in this case. The cases cited by Plaintiff in support of her motion relate to traffic accidents involving height restrictions of trucks where the location of the accident was undisputed and I find that they are inapposite.

Additionally, Defendants' motion to preclude Plaintiff from offering any evidence or reference to New York State Vehicle or Traffic Law is **GRANTED**. The alleged violation of the law relates to the parties' dispute over the location of the accident. In light of my ruling that a violation of these laws is not sufficient to confer absolute or strict liability, the Court would consider a jury instruction on whether and how to weigh a potential violation of that law (or any other traffic laws) before deliberations.

The Clerk of Court is respectfully directed to close ECF 79.

SO ORDERED.

Dated: September 23, 2022
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge